

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LISA W. RIGDON

COMPLAINANT

v.

FLEMING COUNTY WATER ASSOCIATION

DEFENDANT

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) CASE NO. 95-428
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O R D E R

On September 25, 1995, Lisa W. Rigdon filed a complaint against Fleming County Water Association ("Fleming Water") pursuant to 807 KAR 5:001, Section 12. The relief desired by Ms. Rigdon was to have a meter set to serve her property and to begin receiving water through that meter, as well as to have the damage to her road and yard caused by the water line construction repaired. On October 6, 1995, Fleming Water was ordered by the Commission to satisfy the matters complained of or to file a written answer to the complaint within 10 days from the date of service of the Order. As no response was received, Commission Staff sent a letter on November 3, 1995, reminding Fleming Water to respond.

On November 7, 1995, the Commission was informed by letter from Fleming Water that a meter had been installed at the Rigdon property on October 26, 1995. Fleming Water further informed the Commission that the water line serving the Rigdon property was part of an ongoing construction project being built by R. E. Huber Construction Company. Commission Staff subsequently sent a letter to Ms. Rigdon inquiring whether Fleming Water had satisfied her complaint. Simultaneously, the Commission received a letter from

Ms. Rigdon stating that she had water, but expressing her continued concern regarding "clean up of the ditches, culverts, etc."

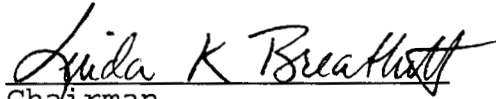
In response to the Commission's Order of December 13, 1995, Fleming Water informed the Commission that the final cleanup work has not been done at the Rigdon property because the project which includes the Rigdon property has not been completed. (Attachment). The final cleanup work is the responsibility of the contractor and will be completed before the project is accepted by Fleming Water. If the contractor fails to do so adequately, Fleming Water will complete cleanup itself. Cleanup will be performed as weather permits after completion of the project.

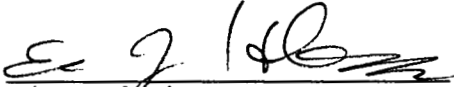
Ms. Rigdon's complaint has therefore been satisfied. A meter was set to serve her property, she is receiving water through that meter, and Fleming Water has guaranteed that the cleanup she has requested will be accomplished after completion of the construction project, as weather permits. This case should therefore be dismissed without prejudice. If the cleanup in question is not satisfactorily completed as guaranteed by Fleming Water, this case may by motion be reopened.

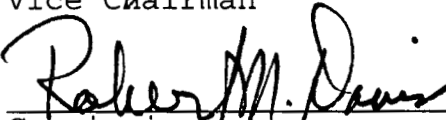
IT IS HEREBY ORDERED that, the complaint in this matter having been satisfied, this case be dismissed without prejudice.

Done at Frankfort, Kentucky, this 23rd day of January, 1996.

PUBLIC SERVICE COMMISSION

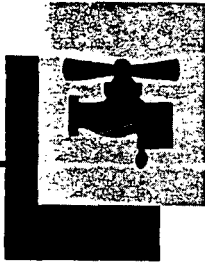

Chairman


Vice Chairman


Commissioner

ATTEST


Executive Director



Fleming County Water Association

P. O. Box 327 • Flemingsburg, KY 41041

Office: (606) 845-3981

Fax: (606) 845-3982

Toll Free: 1 (800) 845-3983

December 15, 1995

RECEIVED

DEC 21 1995

GENERAL COUNSEL

RECEIVED

DEC 21 1995

Executive
Director's Office

Public Service Commission
Attn: John Steffen
P.O. Box 615
Frankfort, KY 40602

Re: Case No. 95-428
Fleming County Water Assoc., Inc.
Lisa W. Rigdon, Complainant

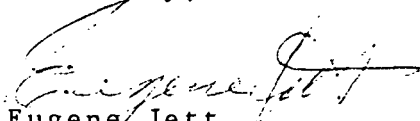
Dear Sir:

Per our conversation on December 15, 1995, I submit the following:

1. Beechy Creek Road is part of an ongoing construction project being built by R. E. Huber Construction Company. The project is not completed, therefore the final cleanup work has not been done.
2. Final cleanup is the responsibility of the contractor and will be done before final acceptance of the project by the association.
3. Should the contractor fail to adequately do all clean-up work then it will be the responsibility of the association to do so.

The clean up will be performed as weather permits during the winter or in early spring as soon as weather will allow.

Sincerely,


Eugene Jett
Superintendent
FCWA

EJ/ww

J. E. Smith, Jr., President
Kenneth C. Wagoner, Vice President
Wayne Craft, Secretary

Kirby Story, Treasurer
F. L. Hinton, III, Director
"Chuck" Marshall, Director